REMARKS/ARGUMENTS

Claims 1-40 are pending in the present application. The Examiner has rejected claims 1-40. Applicant respectfully requests reconsideration of pending claims 1-40.

The Examiner has rejected claims 1-8, 14-18, 22-27, 32-36, and 39-40 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Gehi et al. (U.S. Patent No. 6,134,216) in view of IBM Technical Disclosure (Vol. 34, No. 9, February 1992). Applicant respectfully disagrees.

As to claim 1, Applicant submits the IBM reference teaches away from combination with the teachings of the Gehi et al. reference. While the Examiner acknowledges "Gehi fails to explicitly teach enqueuing the messages based on its [sic] type" and cites page 170, paragraph 2, of the IBM reference as allegedly teaching such feature, Applicant submits the IBM reference teaches away from "when queue occupancy level compares unfavorably with the first queue occupancy threshold, enqueuing the plurality of call signaling messages into the call processing queue based on types of call signaling messages." For example, Applicant notes p. 170, paragraph 2, of the IBM reference, as cited by the Examiner, which states, "2) Points to a list of processes waiting for a message of the corresponding type to be enqueued (see the next bullet for more details) <2b>. The existence of these lists is mutually exclusive." Applicant submits the phrase "a list of processes waiting for a message of the corresponding type" and the sentence "The existence of these lists is mutually exclusive" appear to teach away from "...enqueuing the plurality of call signaling messages [plural] into the call processing queue based on types [plural] of call signaling messages." Moreover, Applicant submits the IBM reference is non-analogous art, as it pertains to "BSD SOCKET-BASED MESSAGE QUEUE IPC SYSTEM IMPLEMENTATION," not a method for processing call signaling messages. Thus, Applicant submits claim 1 is in condition for allowance.

As to claim 2, Applicant submits the Examiner acknowledges "Gehi in view of IBM fails to explicitly teach using dispensable and indispensable as type of call signaling messages." Applicant notes the Examiner fails to cite any teaching in the prior art of dispensable messages. Thus, Applicant submits the Examiner has not established a *prima facie* showing of obviousness. Therefore, Applicant submits claim 2 is in condition for allowance.

As to claim 3, Applicant submits the IBM reference teaches away from combination with the teachings of the Gehi reference. The Examiner has cited p. 170, paragraph 2, of the IBM reference,

which concludes, "Nodes are never removed." Applicant submits such teaching teaches away from the Examiner's allegation of "...deleting...for updating/cleanup reasons." Thus, Applicant submits claim 3 is in condition for allowance.

As to claim 4, the Examiner alleges a reason "of increasing efficiency by removing wasteful resource material." However, Applicant can find no mention in the cited references of "wasteful resource material." Thus, Applicant submits the Examiner has failed to present a *prima facie* showing of obviousness. Therefore, Applicant submits claim 4 is in condition for allowance.

As to claim 5, the Examiner alleges Gehi in view of IBM disclose "When occupancy level compares unfavorably with threshold, dequeue call signaling messages into processing queue based on type of call signaling messages," which Applicant submits is not recited in claim 5. Applicant submits the Examiner has not alleged the cited references as teaching the features recited in claim 5. Rather, Applicant submits the Examiner has acknowledged Gehi in view of IBM fails to explicitly teach several features of claim 5. The Examiner has cited p. 170, paragraph 2, of the IBM reference, which concludes, "Nodes are never removed." Applicant submits such teaching teaches away from the Examiner's allegation of "...deleting...for updating/cleanup reasons." Thus, Applicant submits the Examiner has failed to present a *prima facie* showing of obviousness. Therefore, Applicant submits claim 5 is in condition for allowance.

As to claim 6, as the Examiner has rejected claim 6 for the same reasons as stated in the rejection of claim 4, Applicant refers to Applicant's arguments set forth with respect to the rejection of claim 4 to whatever extent the Examiner's rejection of claim 4 has any bearing on the rejection of claim 6. Thus, Applicant submits claim 6 is in condition for allowance.

As to claim 7, as the Examiner has rejected claim 7 for the same reasons as stated in the rejection of claim 3, Applicant refers to Applicant's arguments set forth with respect to the rejection of claim 3 to whatever extent the Examiner's rejection of claim 3 has any bearing on the rejection of claim 7. Thus, Applicant submits claim 7 is in condition for allowance.

As to claim 8, as the Examiner has rejected claim 8 for the same reasons as stated in the rejection of claim 4, Applicant refers to Applicant's arguments set forth with respect to the rejection of claim 4 to whatever extent the Examiner's rejection of claim 4 has any bearing on the rejection of claim 8. Thus, Applicant submits claim 8 is in condition for allowance.

As to claim 14, as the Examiner has rejected claim 14 for the same reasons as stated in the rejection of claim 1, Applicant refers to Applicant's arguments set forth with respect to the rejection of claim 1 to whatever extent the Examiner's rejection of claim 1 has any bearing on the rejection of claim 14. Thus, Applicant submits claim 14 is in condition for allowance.

As to claim 15, as the Examiner has rejected claim 15 for the same reasons as stated in the rejection of claim 2, Applicant refers to Applicant's arguments set forth with respect to the rejection of claim 2 to whatever extent the Examiner's rejection of claim 2 has any bearing on the rejection of claim 15. Thus, Applicant submits claim 15 is in condition for allowance.

As to claim 16, as the Examiner has rejected claim 16 for the same reasons as stated in the rejection of claim 3, Applicant refers to Applicant's arguments set forth with respect to the rejection of claim 3 to whatever extent the Examiner's rejection of claim 3 has any bearing on the rejection of claim 16. Thus, Applicant submits claim 16 is in condition for allowance.

As to claim 17, as the Examiner has rejected claim 17 for the same reasons as stated in the rejection of claim 5, Applicant refers to Applicant's arguments set forth with respect to the rejection of claim 5 to whatever extent the Examiner's rejection of claim 5 has any bearing on the rejection of claim 17. Thus, Applicant submits claim 17 is in condition for allowance.

As to claim 18, the Examiner acknowledges Gehi in view of IBM faile to explicitly teach dropping the call signaling message if the previous dispensable one does not exist. The Examiner has cited p. 170, paragraph 2, of the IBM reference, which concludes, "Nodes are never removed." Applicant submits such teaching teaches away from the Examiner's allegation of "...dropping...." Also, the Examiner alleges a reason "of increasing efficiency by removing wasteful resource material." However, Applicant can find no mention in the cited references of "wasteful resource material." Thus, Applicant submits the Examiner has failed to present a *prima facie* showing of obviousness. Therefore, Applicant submits claim 18 is in condition for allowance.

As to claim 22, as the Examiner has rejected claim 22 for the same reasons as stated in the rejection of claim 1, Applicant refers to Applicant's arguments set forth with respect to the rejection of claim 1 to whatever extent the Examiner's rejection of claim 1 has any bearing on the rejection of claim 22. Thus, Applicant submits claim 22 is in condition for allowance.

As to claim 23, as the Examiner has rejected claim 23 for the same reasons as stated in the rejection of claim 2, Applicant refers to Applicant's arguments set forth with respect to the rejection of claim 2 to whatever extent the Examiner's rejection of claim 2 has any bearing on the rejection of claim 23. Thus, Applicant submits claim 23 is in condition for allowance.

As to claim 24, as the Examiner has rejected claim 24 for the same reasons as stated in the rejection of claim 3, Applicant refers to Applicant's arguments set forth with respect to the rejection of claim 3 to whatever extent the Examiner's rejection of claim 3 has any bearing on the rejection of claim 24. Thus, Applicant submits claim 24 is in condition for allowance.

As to claim 25, as the Examiner has rejected claim 25 for the same reasons as stated in the rejection of claim 1, Applicant refers to Applicant's arguments set forth with respect to the rejection of claim 1 to whatever extent the Examiner's rejection of claim 1 has any bearing on the rejection of claim 25. Thus, Applicant submits claim 25 is in condition for allowance.

As to claim 26, as the Examiner has rejected claim 26 for the same reasons as stated in the rejection of claim 18, Applicant refers to Applicant's arguments set forth with respect to the rejection of claim 18 to whatever extent the Examiner's rejection of claim 18 has any bearing on the rejection of claim 26. Thus, Applicant submits claim 26 is in condition for allowance.

As to claim 27, as the Examiner has rejected claim 27 for the same reasons as stated in the rejection of claim 4, Applicant refers to Applicant's arguments set forth with respect to the rejection of claim 4 to whatever extent the Examiner's rejection of claim 4 has any bearing on the rejection of claim 27. Thus, Applicant submits claim 27 is in condition for allowance.

As to claim 32, as the Examiner has rejected claim 32 for the same reasons as stated in the rejection of claim 1, Applicant refers to Applicant's arguments set forth with respect to the rejection of claim 1 to whatever extent the Examiner's rejection of claim 1 has any bearing on the rejection of claim 32. Thus, Applicant submits claim 32 is in condition for allowance.

As to claim 33, as the Examiner has rejected claim 33 for the same reasons as stated in the rejection of claim 2, Applicant refers to Applicant's arguments set forth with respect to the rejection of claim 2 to whatever extent the Examiner's rejection of claim 2 has any bearing on the rejection of claim 33. Thus, Applicant submits claim 33 is in condition for allowance.

As to claim 34, as the Examiner has rejected claim 34 for the same reasons as stated in the rejection of claim 3, Applicant refers to Applicant's arguments set forth with respect to the rejection of claim 3 to whatever extent the Examiner's rejection of claim 3 has any bearing on the rejection of claim 34. Thus, Applicant submits claim 34 is in condition for allowance.

As to claim 35, as the Examiner has rejected claim 35 for the same reasons as stated in the rejection of claim 5, Applicant refers to Applicant's arguments set forth with respect to the rejection of claim 5 to whatever extent the Examiner's rejection of claim 5 has any bearing on the rejection of claim 35. Thus, Applicant submits claim 35 is in condition for allowance.

As to claim 36, as the Examiner has rejected claim 36 for the same reasons as stated in the rejection of claim 3, Applicant refers to Applicant's arguments set forth with respect to the rejection of claim 3 to whatever extent the Examiner's rejection of claim 3 has any bearing on the rejection of claim 36. Thus, Applicant submits claim 36 is in condition for allowance.

As to claim 39, Applicant submits the Examiner acknowledges "Gehi in view of IBM fails to explicitly teach using using at least one of FIFO and LIFO." Applicant notes the Examiner fails to cite any teaching in the prior art of "a queue can either operate as FIFO or LIFO." Thus, Applicant submits the Examiner has not established a *prima facie* showing of obviousness. Therefore, Applicant submits claim 39 is in condition for allowance.

As to claim 40, Applicant submits the Examiner acknowledges "Gehi in view of IBM fails to explicitly teach using using at least one of FIFO and LIFO." Applicant notes the Examiner fails to cite any teaching in the prior art of "a queue can either operate as FIFO or LIFO and it would increase flexibility to operate the queue in either order." Thus, Applicant submits the Examiner has not established a *prima facie* showing of obviousness. Therefore, Applicant submits claim 40 is in condition for allowance.

The Examiner has rejected claims 9, 10, 28, and 31 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Gehi (U.S. Patent No. 6,134,216) in view of IBM, and in further view of Holmes (U.S. Patent No. 5,999,969). Applicant respectfully disagrees.

As to claim 9, the Examiner acknowledges "Gehi in view of IBM fails to explicitly teach doing this by dequeuing messages from the call processing queue" and "Holmes fails to explicitly teach

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doing this in a sustained overloading condition." Thus, Applicant submits the Examiner has not identified any such teachings in the prior art and, even if an attempt were made to combine the teachings of Gehi in view of IBM with the teachings of Holmes, it would not yield the subject matter recited in claim 9. Thus, Applicant submits the Examiner has failed to make a *prima facie* showing of obviousness. Therefore, Applicant submits claim 9 is in condition for allowance.

As to claim 10, Applicant submits the Examiner acknowledges "Gehi in view of IBM fails to explicitly teach using using at least one of FIFO and LIFO." Applicant notes the Examiner fails to cite any teaching in the prior art of "a queue can either operate as FIFO or LIFO and it would increase flexibility to operate the queue in either order." Thus, Applicant submits the Examiner has not established a *prima facie* showing of obviousness. Therefore, Applicant submits claim 10 is in condition for allowance.

As to claim 28, the Examiner acknowledges "Gehi in view of IBM fails to explicitly teach doing this by dequeuing messages from the call processing queue" and "Holmes fails to explicitly teach doing this in a sustained overloading condition." Thus, Applicant submits the Examiner has not identified any such teachings in the prior art and, even if an attempt were made to combine the teachings of Gehi in view of IBM with the teachings of Holmes, it would not yield the subject matter recited in claim 28. Thus, Applicant submits the Examiner has failed to make a *prima facie* showing of obviousness. Therefore, Applicant submits claim 28 is in condition for allowance.

As to claim 31, as the Examiner has rejected claim 31 for the same reasons as stated in the rejection of claims 9 and 10, Applicant refers to Applicant's arguments set forth with respect to the rejection of claims 9 and 10 to whatever extent the Examiner's rejection of claims 9 and 10 has any bearing on the rejection of claim 31. Thus, Applicant submits claim 31 is in condition for allowance.

The Examiner has rejected claims 11-13, 19, 20, 29, 30, 37, and 38 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Gehi in view of IBM in further view of Baldwin (U.S. Patent No. 6,310,952). Applicant respectfully disagrees.

As to claim 11, the Examiner acknowledges "The system of Gehi, IBM and Baldwin fail to teach tracking the following: an ordered list of types of calling signaling messages; and ordered list of dispensable messages; an ordered list of indispensable messages" Thus, Applicant submits the Examiner has not identified any such teachings in the prior art and, even if an attempt were made to

combine the teachings of Gehi, IBM, and Holmes, it would not yield the subject matter recited in claim 11. Thus, Applicant submits the Examiner has failed to make a *prima facie* showing of obviousness. Therefore, Applicant submits claim 11 is in condition for allowance.

As to claim 12, the Examiner acknowledges "Gehi in view of IBM fails to explicitly teach updating the plurality of dequeuing lists when the enqueuing changes occur." Thus, Applicant submits the Examiner has not identified any such teachings in the prior art and, even if an attempt were made to combine the teachings of Gehi and IBM, it would not yield the subject matter recited in claim 12. Thus, Applicant submits the Examiner has failed to make a *prima facie* showing of obviousness. Therefore, Applicant submits claim 12 is in condition for allowance.

As to claim 13, Applicant submits the Examiner acknowledges "Gehi in view of IBM fails to explicitly teach using using at least one of FIFO and LIFO." Applicant notes the Examiner fails to cite any teaching in the prior art of "a queue can either operate as FIFO or LIFO." Thus, Applicant submits the Examiner has not established a *prima facie* showing of obviousness. Therefore, Applicant submits claim 13 is in condition for allowance.

As to claim 19, as the Examiner has rejected claim 19 for the same reasons as stated in the rejection of claim 11, Applicant refers to Applicant's arguments set forth with respect to the rejection of claim 11 to whatever extent the Examiner's rejection of claim 11 has any bearing on the rejection of claim 19. Thus, Applicant submits claim 19 is in condition for allowance.

As to claim 20, the Examiner acknowledges "Gehi in view of IBM fails to explicitly teach updating the plurality of dequeuing lists when the enqueuing changes occur." Thus, Applicant submits the Examiner has not identified any such teachings in the prior art and, even if an attempt were made to combine the teachings of Gehi and IBM, it would not yield the subject matter recited in claim 20. Thus, Applicant submits the Examiner has failed to make a *prima facie* showing of obviousness. Therefore, Applicant submits claim 20 is in condition for allowance.

As to claim 29, as the Examiner has rejected claim 29 for the same reasons as stated in the rejection of claim 11, Applicant refers to Applicant's arguments set forth with respect to the rejection of claim 11 to whatever extent the Examiner's rejection of claim 11 has any bearing on the rejection of claim 29. Thus, Applicant submits claim 29 is in condition for allowance.

As to claim 30, the Examiner acknowledges "Gehi in view of IBM fails to explicitly teach updating the plurality of dequeuing lists when the enqueuing changes occur." Thus, Applicant submits the Examiner has not identified any such teachings in the prior art and, even if an attempt were made to combine the teachings of Gehi and IBM, it would not yield the subject matter recited in claim 30. Thus, Applicant submits the Examiner has failed to make a *prima facie* showing of obviousness. Therefore, Applicant submits claim 30 is in condition for allowance.

As to claim 37, as the Examiner has rejected claim 37 for the same reasons as stated in the rejection of claim 11, Applicant refers to Applicant's arguments set forth with respect to the rejection of claim 11 to whatever extent the Examiner's rejection of claim 11 has any bearing on the rejection of claim 37. Thus, Applicant submits claim 37 is in condition for allowance.
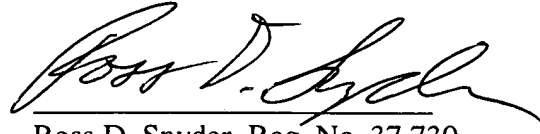
As to claim 38, the Examiner acknowledges "Gehi in view of IBM fails to explicitly teach updating the plurality of dequeuing lists when the enqueuing changes occur." Thus, Applicant submits the Examiner has not identified any such teachings in the prior art and, even if an attempt were made to combine the teachings of Gehi and IBM, it would not yield the subject matter recited in claim 38. Thus, Applicant submits the Examiner has failed to make a *prima facie* showing of obviousness. Therefore, Applicant submits claim 38 is in condition for allowance.

The Examiner has rejected claim 21 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Gehi (U.S. Patent No. 6,134,216) in view of IBM, in further view of Baldwin (U.S. Patent No. 6,310,952), and in further view of Holmes (U.S. Patent No. 5,999,969). Applicant respectfully disagrees.

As to claim 21, the Examiner acknowledges "Gehi in view of IBM fails to explicitly teach doing this by dequeuing messages from the call processing queue" and "Holmes fails to explicitly teach doing this in a sustained overloading condition." Thus, Applicant submits the Examiner has not identified any such teachings in the prior art and, even if an attempt were made to combine the teachings of Gehi in view of IBM with the teachings of Baldwin, it would not yield the subject matter recited in claim 21. Furthermore, Applicant notes the Examiner relies upon the Baldwin reference for the rejection, but fails to cite any portion of the Baldwin reference. Thus, Applicant submits the Examiner has failed to make a *prima facie* showing of obviousness. Therefore, Applicant submits claim 21 is in condition for allowance.

Respectfully submitted,

12/12/2006
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Date

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